

UNITED STATES OF AMERICA )  
 )  
 v. ) NO. 1:11-00001  
 )  
 ) JUDGE HAYNES  
 BENJAMIN WESLEY WAYNE )

ORDER  
Prescription  
IS GRANTED  
In all of  
MENT  
3. Cook, and hereby 3-7-11

Comes now the United States of America, by and through Blanche B. Cook, and hereby requests this Court to correct the name of the defendant in the indictment in this case. The indictment currently reflects the defendant's name as Wesley Benjamin Wayne. The defendant's correct name is Benjamin Wesley Wayne.

*Russell v. United States*, 369 U.S. 749, 770 (1962) states, it is “settled rule in the federal courts that an indictment may not be amended except by re-submission to the grand jury *unless the change is merely a matter of form.*” (Emphasis added). In the instant case, the correction would not substantively amend the indictment, but merely correct the order in which the defendant’s first and middle names are currently represented in the indictment.

Wherefore, the United States request this Court to correct then name of the defendant in the indictment.

Respectfully submitted,

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s/ **Blanche B. Cook**  
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